

UNITED STATES OF AMERICA
IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

In re:

EDWINA G. WALLACE-MORROW,

Debtor.

Case No. DK 15-00382

Chapter 13

Hon. Scott W. Dales

Petition Date: 01/28/15

Hearing: 4/16/15, 9:15 am, Kalamazoo

**UNITED STATES' OBJECTION TO
CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

The United States of America, on behalf of its agency, the United States Internal Revenue Service (IRS), by and through the undersigned, objects to the confirmation of the debtor's Chapter 13 plan for the following reasons:

1. On February 11, 2015, the IRS filed a proof of claim in the amount of \$42,670.90. The proof of claim consists of a secured claim for \$954.07 an unsecured priority claim for \$10,591.16 and an unsecured general claim for \$31,125.67.

2. The IRS has no record of receiving the debtor's federal income tax returns for the periods ending December 31, 2010, 2011, 2013, and 2014.¹ The returns should be completed and (1) if filed electronically, signed copies of the returns and verifications that the returns were accepted by the IRS should be forwarded to the IRS Insolvency Unit at the address below, or (2) if filed by mail, the completed and signed original returns should be forwarded to the IRS Insolvency Unit at the following address:

Internal Revenue Service
Insolvency Unit
3251 N. Evergreen NE
Grand Rapids, MI 49525

3. 11 U.S.C. § 1308(a) requires that [n]ot later than the day before the date on which the meeting of the creditors is first scheduled to be held. . .the debtor shall file with appropriate

¹ The debtor's federal income tax return for 2014 is due by April 15, 2015.

tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. The meeting of creditors was first scheduled to be held on March 2, 2015.

4. The Chapter 13 Plan at Section III B.2. fails to identify the IRS as having an unsecured priority claim. The amount of the unsecured priority claim of the IRS will not be known until the federal income tax returns for 2011, 2013, and 2014 are filed and assessed.

5. The Chapter 13 plan fails to provide for interest on the secured claim of the IRS. The interest rate is the rate required by 11 U.S.C. § 511(b) for the calendar month in which the plan is confirmed. The current interest rate is 3%.

6. Any tax obligations from non-filed tax returns or late filed returns filed after two years before the petition date (whether received before or after the petition date) are non-dischargeable. 11 U.S.C. § 1328(a)(2) and (c)(2); 11 U.S.C. § 523(a)(1)(B).

WHEREFORE, the United States requests that confirmation of the debtor's Chapter 13 plan be denied.

ANDREW B. BIRGE
First Assistant United States Attorney
Attorney for the United States,
Acting Under Authority Conferred
by 28 U.S.C. §515

Dated: March 20, 2015

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